



General Assembly

Substitute Bill No. 5022

January Session, 2003

***AN ACT REQUIRING THE COLLECTION OF DNA SAMPLES FROM
PERSONS CONVICTED OF A CRIME.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any person who is convicted of a [criminal offense against a
4 victim who is a minor, a nonviolent sexual offense or a sexually violent
5 offense, as those terms are defined in section 54-250, or of a felony
6 found by the sentencing court to have been committed for a sexual
7 purpose as provided in section 54-254] crime, as defined in section 53a-
8 24, and is sentenced to the custody of the Commissioner of Correction
9 shall, [at any time] prior to release from custody [, have a sample of
10 such person's blood taken] and at such time as the commissioner may
11 specify, submit to the taking of a blood or other biological sample for
12 DNA (deoxyribonucleic acid) analysis to determine identification
13 characteristics specific to the person.

14 (b) Any person who is convicted of a [criminal offense against a
15 victim who is a minor, a nonviolent sexual offense or a sexually violent
16 offense, as those terms are defined in section 54-250, or of a felony
17 found by the sentencing court to have been committed for a sexual
18 purpose, as provided in section 54-254, who] crime, as defined in
19 section 53a-24, and is not sentenced to a term of confinement shall, as a

20 condition of such sentence [, have a sample of such person's blood
21 taken] and at such time as the sentencing court may specify, submit to
22 the taking of a blood or other biological sample for DNA
23 (deoxyribonucleic acid) analysis to determine identification
24 characteristics specific to the person.

25 (c) Any person who is found not guilty by reason of mental disease
26 or defect pursuant to section 53a-13 of a [criminal offense against a
27 victim who is a minor, a nonviolent sexual offense or a sexually violent
28 offense, as those terms are defined in section 54-250, or of a felony
29 found by the sentencing court to have been committed for a sexual
30 purpose, as provided in section 54-254] crime, as defined in section
31 53a-24, shall, [at any time] prior to discharge from custody in
32 accordance with subsection (e) of section 17a-582, section 17a-588 or
33 subsection (g) of section 17a-593 [, have a sample of such person's
34 blood taken] and at such time as the superintendent of the hospital for
35 psychiatric disabilities in which such person is confined or the
36 Commissioner of Mental Retardation with whom such person has been
37 placed may specify, submit to the taking of a blood or other biological
38 sample for DNA (deoxyribonucleic acid) analysis to determine
39 identification characteristics specific to the person.

40 (d) Any person who has been convicted of a crime, as defined in
41 section 53a-24, and is serving a period of probation or parole, and who
42 has not submitted to the taking of a blood or other biological sample
43 pursuant to subsection (a), (b) or (c) of this section, shall, prior to
44 discharge from the custody of the Court Support Services Division or
45 the Board of Parole and at such time as said division or board may
46 specify, submit to the taking of a blood or other biological sample for
47 DNA (deoxyribonucleic acid) analysis to determine identification
48 characteristics specific to the person.

49 [(d)] (e) The analysis shall be performed by the Division of Scientific
50 Services within the Department of Public Safety. The identification
51 characteristics of the profile resulting from the DNA analysis shall be
52 stored and maintained by the division in a DNA data bank and shall

53 be made available only as provided in section 54-102j, as amended by
54 this act.

55 Sec. 2. Section 54-102h of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective October 1, 2003*):

57 (a) Each blood or other biological sample required pursuant to
58 section 54-102g, as amended by this act, from persons who are to be
59 incarcerated shall be [withdrawn] taken at the receiving unit or at such
60 other place as is designated by the Department of Correction. The
61 required samples from persons who are not sentenced to a term of
62 confinement shall be [withdrawn] taken at a time and place specified
63 by the sentencing court. The required samples from persons who are
64 found not guilty by reason of mental disease or defect pursuant to
65 section 53a-13 and are confined in a hospital for psychiatric disabilities
66 or placed with the Commissioner of Mental Retardation shall be taken
67 at a time and place specified by the superintendent of such hospital or
68 said commissioner, as the case may be. The required samples from
69 persons who are serving periods of probation or parole shall be taken
70 at a time and place specified by the Court Support Services Division or
71 the Board of Parole, as the case may be. Only a person licensed to
72 practice medicine and surgery in this state, a qualified laboratory
73 technician, a registered nurse or a phlebotomist shall [withdraw] take
74 any blood sample to be submitted to analysis. No civil liability shall
75 attach to any person authorized to [withdraw blood] take a blood or
76 other biological sample as provided in this section as a result of the act
77 of [withdrawing blood] taking such sample from any person
78 submitting thereto, if the blood or other biological sample was
79 [withdrawn] taken according to recognized medical procedures,
80 provided no person shall be relieved from liability for negligence in
81 the [withdrawing] taking of any [blood] such sample.

82 (b) Chemically clean sterile disposable needles and vacuum draw
83 tubes shall be used for all blood samples. The tube or container for a
84 blood or other biological sample shall be sealed and labeled with the
85 subject's name, Social Security number, date of birth, race and gender,

86 the name of the person collecting the sample, and the date and place of
87 collection. The [tubes] tube or container shall be secured to prevent
88 tampering with the contents.

89 (c) The steps set forth in this section relating to the taking, handling,
90 identification and disposition of blood or other biological samples are
91 procedural and not substantive. Substantial compliance therewith shall
92 be deemed to be sufficient. The samples shall be transported to the
93 Division of Scientific Services within the Department of Public Safety
94 not more than fifteen days following [withdrawal] their collection and
95 shall be analyzed and stored in the DNA data bank in accordance with
96 sections 54-102i, as amended by this act, and 54-102j, as amended by
97 this act.

98 Sec. 3. Section 54-102i of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2003*):

100 (a) Whether or not the results of an analysis are to be included in the
101 data bank, the Division of Scientific Services within the Department of
102 Public Safety shall conduct the DNA analysis in accordance with
103 procedures adopted by the division to determine identification
104 characteristics specific to the individual whose blood or other
105 biological sample is being analyzed. Such procedures shall conform to
106 nationally recognized and accepted standards for DNA analysis. The
107 Commissioner of Public Safety or the commissioner's designee shall
108 complete and maintain on file a form indicating the name of the person
109 whose sample is to be analyzed, the date and by whom the [blood]
110 sample was received and examined, and a statement that the seal on
111 the tube or container had not been broken or otherwise tampered with.
112 The remainder of a [blood] sample submitted for analysis and
113 inclusion in the data bank pursuant to section 54-102g, as amended by
114 this act, may be divided, labeled as provided for the original sample,
115 and securely stored by the division in accordance with specific
116 procedures set forth in regulations adopted by the Department of
117 Public Safety in accordance with the provisions of chapter 54 to ensure
118 the integrity and confidentiality of the samples. All or part of the

119 remainder of that sample may be used only (1) to create a statistical
120 data base provided no identifying information on the individual
121 whose sample is being analyzed is included, or (2) for retesting by the
122 division to validate or update the original analysis.

123 (b) The division shall initiate a DNA testing process not later than
124 forty-five days after the receipt of a blood or other biological sample
125 that has been submitted for analysis. A report of the results of a DNA
126 analysis conducted by the division as authorized, including the profile
127 and identifying information, shall be made and maintained at the
128 division. A certificate and the results of the analysis shall be admissible
129 in any court as evidence of the facts therein stated. Except as
130 specifically provided in this section and section 54-102j, as amended by
131 this act, the results of the analysis shall be securely stored and shall
132 remain confidential.

133 Sec. 4. Section 54-102j of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective October 1, 2003*):

135 (a) It shall be the duty of the Division of Scientific Services within
136 the Department of Public Safety to receive blood or other biological
137 samples and to analyze, classify and file the results of DNA
138 identification characteristics profiles of blood or other biological
139 samples submitted pursuant to section 54-102g, as amended by this
140 act, and to make such information available as provided in this section.
141 The results of an analysis and comparison of the identification
142 characteristics from two or more blood or other biological samples
143 shall be made available directly to federal, state and local law
144 enforcement officers upon request made in furtherance of an official
145 investigation of any criminal offense. A request may be made by
146 personal contact, mail or electronic means. The name of the person
147 making the request and the purpose for which the information is
148 requested shall be maintained on file with the division.

149 (b) Upon the request of any person identified and charged with an
150 offense as the result of a search of information in the data bank, a copy

151 of the request for a search shall be furnished to such person so
152 identified and charged. Only when a sample or DNA profile supplied
153 by the person making the request satisfactorily matches a profile in the
154 data bank shall the existence of data in the data bank be confirmed or
155 identifying information from the data bank be disseminated.

156 (c) The Department of Public Safety shall adopt regulations₂ in
157 accordance with the provisions of chapter 54₂ governing (1) the
158 methods of obtaining information from the data bank in accordance
159 with this section₂ and (2) procedures for verification of the identity and
160 authority of the person making the request. The department shall
161 specify the positions in that agency which require regular access to the
162 data bank and samples submitted as a necessary function of the job.

163 (d) The Division of Scientific Services shall create a separate
164 statistical data base comprised of DNA profiles of blood or other
165 biological samples of persons whose identity is unknown. Nothing in
166 this section or section 54-102k shall prohibit the Division of Scientific
167 Services from sharing or otherwise disseminating the information in
168 the statistical data base with law enforcement or criminal justice
169 agencies within or without the state.

170 (e) The Division of Scientific Services may charge a reasonable fee to
171 search and provide a comparative analysis of DNA profiles in the data
172 bank to any authorized law enforcement agency outside of the state.

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003
Sec. 3	October 1, 2003
Sec. 4	October 1, 2003

JUD *Joint Favorable Subst.*